

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DOUG WOLSHLAGER,

Plaintiff,

Case No. 1:23-cv-916

v.

CLINTON METTLER, et al.,

HON. JANET T. NEFF

Defendants.

/

OPINION AND ORDER

Plaintiff Doug Wolshlager, proceeding *pro se*, initiated this action by filing the Complaint in August 2023. The matter was referred to the Magistrate Judge, who issued an Amended Report and Recommendation (R&R), recommending that the Court (1) dismiss Plaintiff's Complaint for failure to state a claim and (2) certify that an appeal of this action would not be taken in good faith (ECF No. 8). The matter is presently before the Court on Plaintiff's objections to the Amended R&R. In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court has performed de novo consideration of those portions of the Amended R&R to which objections have been made. The Court denies the objections and issues this Opinion and Order.

In the Amended R&R, the Magistrate Judge recommends dismissing the Complaint because Plaintiff failed to allege any plausible claim under the applicable pleading standards (ECF No. 8 at PageID.22). The Complaint is adequately summarized as follows:

Plaintiff, who identifies himself as “i, a man Doug Wolshlager,” does not allege who Defendants are or what they have done to violate his rights. Plaintiff simply alleges the following: (1) “All presumptions of death of claimant are rebutted”; (2) “From the beginning as God as my witness i Doug a true man of God acknowledge all blessings given by God; repent all transgressions against God; waive all claims without God”; (3) “i require the immediate restoration of all property including my body”; (4) “i require compensation in the amount of five silver dollars per min for doing harm to i, a man”; and (5) “if there is no rebutting verified claim submitted within 3 days my claim stands as truth.” (ECF No. 1 at 1.) This is the totality of Plaintiff’s allegations.

(*id.* at PageID.20-21).

Plaintiff’s rambling objections are difficult to follow and do not raise clear, specific, and meritorious objections. *See Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995) (“The objections must be clear enough to enable the district court to discern those issues that are dispositive and contentious.”). Furthermore, even after construing Plaintiff’s *pro se* pleading liberally as required by *Haines v. Kerner*, 404 U.S. 519, 520 (1972), Plaintiff’s short one-page Complaint falls well short of the pleading requirements of FED. R. CIV. P. 8. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (The complaint must contain “sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’”) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). In sum, Plaintiff fails to demonstrate any factual or legal error in the Magistrate Judge’s analysis or conclusion.

Accordingly, this Court adopts the Magistrate Judge’s Report and Recommendation as the Opinion of this Court. A Judgment will be entered consistent with this Opinion and Order. *See* FED. R. CIV. P. 58. This Court also certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal of this decision would not be taken in good faith. *See McGore v. Wrigglesworth*, 114 F.3d 601, 610 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211-12 (2007).

Therefore:

IT IS HEREBY ORDERED that the Objections (ECF No. 9) are DENIED and the Amended Report and Recommendation of the Magistrate Judge (ECF No. 8) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this decision would not be taken in good faith.

Dated: October 10, 2023

/s/ Janet T. Neff

JANET T. NEFF
United States District Judge